

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18596 of 2000

Dated 20th June, 2007

Between

Repaka David and ors

...Petitioners

and

District Forest Officer,
EG District, at Kakinada, and, ors

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18596 of 2000

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to declare the action of the respondents in taking steps to dispossess them from the land in R.S.Nos. 116, 117 and 118 of Chintalamori village, Malkipuram Mandal in E.G.District without considering their representation as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioners are the permanent residents of Chintalamori village, Malkipuram mandal, East Godavari District and they belong to SC, BC and other communities. It is stated that the petitioners are landless poor persons and petitioners 1 to 19 are in occupation of Ac.0.50 cents each, Petitioners 20 to 23 are in occupation of Ac.1.50 cents each and

petitioners 24 to 26 are in occupation of Ac.1.00 cents each. It is the grievance of the petitioners that they are in possession of the said lands for the last several years and without initiating any proceedings, the respondents are taking steps to dispossess them from the above said lands.

At the stage of admission, this Court by order dated 28-9-2000 directed to maintain status quo and the said order continued all along.

Though the Writ Petition is of the year 2000, no counter affidavit is filed on behalf of the respondents.

Admittedly the land in question belongs to Government. It is the case of the petitioners that they are entitle for assignment of the said land and it is stated that they made a representation. However, it is for the respondents to consider as to the eligibility of the petitioners for assignment of land and whether the said land can be assigned or not. As the petitioners claim that they are in possession of the subject land from 1975 onwards, I dispose of the Writ Petition permitting the petitioners to make fresh representation to the fourth respondent- Mandal Revenue Officer for grant of pattas, within six weeks from the date of receipt of a copy of this order. If such representation is filed, the respondents shall consider the eligibility of the petitioners for grant of pattas as per the present assignment policy and consider their claims and pass appropriate orders. Till such orders are passed, no steps shall be taken for eviction of the petitioners from the said land.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 20-6-2007.

Msnr.